

**United States District Court**  
**Northern district of California**

2007 OCT 31 P 1:39

Neal G. Benson  
 5462 Begonia Dr.  
 San Jose, Ca. 95124.

**Litigant without a Lawyer**

**Neal G. Benson**

**Plaintiff**

**Vs.**

**SANTA CLARA MASONIC LODGE**  
**#299**  
**MASONIC GRAND LODGE OF S. F.**  
**SCOTTISH RITE BODIES OF S. J. Ca)**  
**THE SANTA CLARA POLICE DEPT )**  
**AND CITY OF SANTA CLARA )**

**Defendants**

**ATTACHMENT TO ADR #7**  
**Motion for summary judgment.**

**Case No C03 00119 RMW and C07 03476 HRL**  
 Criminal acts committed against Neal Benson under the  
 Civil Rights Act Titled 42 U. S. C. S 2201 1983 and  
 others of the Civil rights Act by all defendants listed  
 under case # C03 00119 and C07 03476 which gives  
 relief and damages to any person subjected to a  
 violation of his or her civil rights using the "under the  
 color of state law" criminal act in addition to the City  
 and State Laws of California, and the U. S. Federal  
 Laws and RICO Act.

**Date: Nov. 9<sup>th</sup> 2007**

**Time: 9 am and 10:30 am**

**Court room 6 4<sup>th</sup> floor SJ**

**TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

1] The defendants listed above are guilty of violating my civil rights listed under the case number C03 00119 by using written threats, "Drive bys" at my home to cause fear, Telephone Death threats, using the signs and cymbals taught in the 1st thru the 4 degree, attempting to stop me from filing charges against the Masonic Fraternal members and the Santa Clara Police Dept. officers and others for Aiding and abetting in the cover up of criminal acts committed against me and my wife.

2] When they would not settle out of court, I attempted to file criminal charges at the Santa Clara Police Department in the City of Santa Clara, Ca. since the criminal acts were perpetrated in the City of Santa Clara on 8-1-91. The Masonic members and the Santa Clara Police were waiting for me and verbally raped me on 3-28-93 when a Masonic member and father of a SCPD officer, acted as a police officer and instructed me to read the charges to which he yelled "not guilty" to each of the charges I read and since I had asked the Police Matron to see a Sgt. and I wanted a case number. The Police did not take my charges nor give me a case number, I was laughed out of the Police Station by 10 witness including 6 police officers and it took 6 months to get the

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1 guts to return. I have named the persons and witnesses in my charges in Case number  
2 C03 00119 and again in C07 03467. These 2 cases are the same with the C07 03476 is  
3 the correct version as required by Judge Whyte's demands per the local rules and  
4 language not recognize by me as I am a Litigant without a Lawyer.

5 3] I have found that my filing the C03 00119 and C07 03476 cases you have used the  
6 same tactics the Santa Clara Police Department used to stretch out the Illegal Statute of  
7 Limitations assigned by Sgt. Rees with no intention of taking my charges to court and  
8 falls under the RICO ACT as using the under the cover of state Law violation to stop  
9 my charges and getting the settlement and sending the guilty parties to prison and this  
10 is the same as my case with you Judge Whyte. Since the SCPD had entered into an  
11 agreement to stop me by any means, prior to 3-28-93, the day I was verbally raped, to  
12 scare me into quitting my attempts to file my charges, by a Masonic member acting as  
13 a Police officer and the father of a SCPD officer, a matron and a Sgt. from 3-28-93 to  
14 April 14, 1997. This was the same pattern the Santa Clara Masonic Lodge and Grand  
15 Lodge, and others who committed some 400 criminal acts to stop me from filing  
16 charges including 2 threatening letters, death threats by mail and phone calls and drive  
17 bys at my home in 17 months.

18 Since (1) I did not use the proper form for my filing and spent some 6 hours at the  
19 Santa Clara Law Library with the Librarian helping me find the reference book with  
20 the forms listed but there is not a copy in the Law Library to copy as referenced. (2) I  
21 did as the Judge ask and since I was not a Lawyer with knowledge of the Local rules,  
22 shortened the input from 400 pages to 112 pages as I did not understand but since all  
23 the lawyers involved and the Judges were trained and spoke and wrote the same  
24 language it was easy for the Judge to dismiss my case. No matter how guilty they are  
25 or how many criminal acts committed against me a poor innocent average Joe who  
26 fought in WW II, and was the "Main Man escorting KGB" and the stopping the "Cold  
27 War" and designed Nuclear Missiles and Satellites for Photographing the earth but I  
28 am not a Lawyer or Judge with training. You Judge Whyte dismissed my case because  
I needed to get with the form and language you and the Lawyers wanted and what I  
finally found the form needed and the meaning of short and concise. I am a normal  
average intelligence person with a Masters in design in Satellites and Missiles and a  
qualified degree in Quality Control, not Law.

A list of criminal acts committed against Neal G. Benson from 1949 and his wife  
Catherine R. Benson from 1967 to present are included below:

5] This part of the rules were included in a letter from the Defendants attorneys and gave me a  
clue as to what you were asking me to do.

Answer to your remarks for Motion to dismiss Pursuant to Rule (b) (6)  
on the ground that it fails to state a claim upon which relief may be granted.

B-Page 2 line 7-8and 9: MOTION FOR A MORE DEFINITE STATEMENT PURSUANT TO

1 FRCP12(e) Plaintiff to file a short and plain statement of the claim entitling him to relief which  
2 complies with FRCP 8 AND WHICH FAIRLY APPRAISES DEFENDANTS OF CLAIMS  
3 AGAINST WHICH THEY MUST DEFEND.

4 THESE CLAIMS BY THE PLAINTIFF YOU MUST DEFEND AGAINST:

5 1) THREAT TO COMMIT MURDER SEC. 524.

6 a) Henry Rosendin--- Have tape recording of threat as evidence in 1990. This was the year I  
7 was diagnosed with Prostate Cancer by Doctor Manzone and operated  
8 on in Jan. 1991. This was causing me and my wife fear and stress.

9 2) 2 WRITTEN THREATS STATING IF I DO NOT CEASE AND DESIST IN BRINGING  
10 MASONIC CHARGES I WILL SUFFER THE "SUM OF THE CONSEQUENCES". SEC.524

11 a) Francis Lewis P. M.—Former assistant Secretary of the Masonic Grand Lodge in San  
12 Francisco sent a threatening letter through the U. S. Mail to me, on  
13 John L. Coopers III, Grand Lodge Secretaries letter head. This caused  
14 me and my wife fear and stress

15 b) August "Joe" Collier P. M.-- Inspector for the Grand Lodge and enforcer of Masonic Laws got  
16 a copy and sent a copy to me and stated he was informing me of his  
17 orders over the telephone. This was causing me and my wife fear and  
18 stress.

19 c) John L. Cooper III P. M.-- I ask for the Grand Lodge Secretary to rescind the order and he  
20 refused to cancel it and is still in force. This was a standard form for  
21 persons who were bringing charges against Masonic members and  
22 lodges to scare and cause fear in them so they would cease and  
23 desist. This was causing me fear and stress.  
24 Mr. Cooper also would not return the \$1 million Dollar check that Mr.  
25 Joel Springer got for me from the Masonic Bank and was confiscated by  
26 Mr. Francis Lewis. Joel ask me later what I got it for.

27 3) THREAT "YOU HAD BETTER FIND OUT WHERE IT CAME FROM" REFERING TO THE  
28 "HOODWINK" GIFT. SEC. 524

a) Vidal Ramirez P. M. of the Santa Clara Liberty Lodge # 299 after verbally raping me in  
front of about 94 high ranking Masonic members and guests. This was  
causing me fear and stress.

4) PRINCIPALS TO A CRIME SEC. 31

a) Henry Rosendin---was a leader who had 2 or more of his Mexican Lt. join the Masonic  
Lodge #299 in 1984 to carry out his threat "To get me", Neal Benson  
and help the Lodge members to institute all the criminal activities  
against my wife Catherine and myself. This caused me and my wife fear  
and stress.

- 1 b) Francis Lewis—a P. M. and was appointed assistant Grand Lodge Secretary to by John L.  
2 Copper III the Secretary to the Masonic Grand Lodge of California in San  
3 Francisco, Ca. in carrying out his orders. He was fired after he stole the  
4 \$1 million dollar check laid on his desk by the Secretary, Melissa, to Mr.  
5 Cooper and I ask Mr. Cooper 7 times in person, for the check and he  
6 refused me. Also causing fear and stress to my wife and myself.  
7 Mr. Joel Springer was the office person who went to the Masonic Bank and  
8 got the \$1 million dollar check and when he met me later ask what I got the  
9 check for. He did not know it was not given to me and I did not tell him.
- 10 c) August "Joe" Collier P. M --carried out the orders of the Grand Lodge letter to make me  
11 Suffer the Sum of the Consequences" along with others under his and other's  
12 order's and causing fear and stress in me and my wife.
- 13 d) Vidal Ramirez P. M. – joined the Santa Clara Liberty Lodge #299 in 1984 to "Get even with  
14 me" for my telling the truth about my Mexican son-in-law to Henry  
15 Rosindin. He was a Lt. under Henry Rosendin a Catholic who could not  
16 join the Masons. He was the Master of the Lodge on the night of 8-1-91  
17 and verbally raped me in front of 94 persons. He was an instigator who  
18 causing fear and stress in me due to crime committed against me and my  
19 wife.
- 20 e) Doug Clifford P. M.—Was the master of the Lodge for the year 1-1-91 to 1-1-92 and  
21 was the head of the "Get me" operation that year and could have stopped this  
22 problem as it was a big operation involving 80 or more men and their wives  
23 who were causing me and my wife fear and stress from Los Angeles to San  
24 Francisco and including Stockton, California.
- 25 f) Don Gross P. M.—Mr. Don Gross in 1949, accused me of theft from a locked closet that  
26 housed the lodges working tools and Jewels worn by the Officers of  
27 the Lodge. Since I had just passed the examination for the 3<sup>rd</sup> Degree,  
28 in 2 months which was normally a 3-6 months of coaching a person in  
the 3 degree's. My coach told all the persons that night in the Lodge  
he expected me to be ready to be Master by the end of the year. There  
are 6 steps to going thru the chairs to be Master of the Lodge and at  
the rate I was able to absorb the teachings that meant those that were  
now in line would be set back 1 year longer to go through the chairs.  
So I was framed and an instant HATE against me developed, so I  
stopped going to Lodge and the members in line were not going to be  
in line an extra year. I caught he and his wife stalking me on the night  
of 8-1-91.
- The hate culminated on 8-1-91 when I was verbally raped by the  
Masonic Lodge in Santa Clara, Ca. in front of 94 members and guest.

1 g) Kenneth Nagel P. M.—I have a telephone tape recording of his attempt to blackmail me  
2 into stopping my bringing criminal charges against him and other  
3 members. He said “I hear you’re a RAPIST I’ll be calling you”. I was to  
4 see his Inspector to tell my side of the story the next morning.  
5 He would not sign the papers I tried to file to send to the Grand Lodge  
6 to investigate my charges all the criminal acts listed by the Masonic  
7 Laws and City, State and Federal laws committed against me by the  
8 Lodge and individual members of the Lodge and others.

9 h) Christ Zercher P. M.—Had taken a large part of the “Get me” action as he knew  
10 many of the Santa Clara City Officials as a member of the new Building  
11 committee and police security before, during and after the completion of  
12 the building. His son was a member of the Lodge also and a druggist.  
13 On 3-28-93, he, Chet Grant, Neo Escamilla, all members of the Masonic  
14 Lodge of Santa Clara, along with others met at the Santa Clara Police  
15 Station and the Matron I met when I walked in to file charges against the  
16 Santa Clara Masonic Lodge, I ask for a Sgt. and a case number, she  
17 introduced Chris or his son Elden to me, Stating this man can help you.  
18 He ask me to read my charges. It was not per police procedure as at San  
19 Jose where I had filed charges I got a Sgt. and a case number so I was  
20 suspicious of this but read the first 3 charges. The answer to each charge  
21 was “Not guilty”. With 10 or 11 witness, Masons and Police officer’s at  
22 there desks who laughed me out of the Police station.

23 i) Elden Zercher – Stopped being a Druggist at some point and went back to college to  
24 become a Police officer and did. He then became a Santa Clara Police  
25 officer some time prior to 3-28-93. Why? As a Santa Clara Police  
26 Officer, he was entitled to protection and as a Mason he was protected also  
27 in case someone tried to file charges against him. Since his father was  
28 involved in the crimes against me and he also as a member who attended  
the Lodge often was involved.

j) Sgt. then Lt. Rees of the Santa Clara Police Department Internal affairs Officer in 1993.  
I went to the Santa Clara Police Department on 12 -15-93 and again  
attempted to file my charges and get a case number. When the person read  
some of the charges which now included the Police officers, said they  
would have to get the Internal Affairs officer and did. Sgt. Rees appeared  
and after reading some of the charges said he would have to read and  
make a report on these charges and I said I want a case number. He said he  
had to read the charges and decide weather I got a case number. By the end  
of the 1<sup>st</sup> year he had changed the Criminal charges to Civil charges and



1 added the statute of Limitations and 7 times in the next 4 years until the  
 2 expiration of the illegal statute expired he refused to give me a case  
 3 number. Then he told me I could do nothing as the statute had expired. I  
 4 then went to Federal court and filed Civil and Criminal charges.

5 k) Matron Doreen Summerkorn Badge #17—Santa Clara Police Department officer who  
 6 attends to Sgt. desk to meet persons and furnish information. Doreen  
 7 introduced me to a man who was not a Police officer named Chris Zercher  
 8 a Masonic member and one of the persons who I was bringing charges  
 9 against.

10 5) ACCESSORIES TO A CRIME SEC. 32

11 a) All leaders and persons who plotted and planned criminal acts as listed in section # 4  
 12 including those listed below.

13 b) Neo Escamilla—member of the Santa Clara Masonic Lodge and was their at the  
 14 Police station on 3-28-93 to witness the criminal acts of Matron Doreen  
 15 Summerkorn and Chris Zercher not a police officer, and to report to the  
 16 Lodge of Neal Benson's 2<sup>nd</sup> Verbal rape and effort to scare him and  
 17 stopping the charges being filed as he was laughed out of the Police Station  
 18 by 10-11 witness.

19 c) Chester Grant P. M.—a member of the Santa Clara Masonic Lodge and was their at  
 20 the Police Station to witness the criminal acts of Matron Doreen  
 21 Summerkorn and Chris Zercher, not a police officer, and to report to the  
 22 Lodge of Neal Benson's 2<sup>nd</sup> verbal rape and effort to scare him and  
 23 stopping the charges being filed as he was laughed out of the Police station  
 24 by 10-11 witness.

25 d) 6 John does Santa Clara Police Department Officers seated and standing.

26 6) CAUSING PAIN AND SUFFERING TO AN ELDER. SEC.368

27 a) All leaders and persons who plotted and planned criminal acts against me as listed in  
 28 section # 1 thru # 5.

7) FEAR INDUCED BY THREAT. SEC. 519

a) All leaders and persons who plotted and planned criminal acts against me as listed in  
 section # 1 thru # 5.

8) STALKING SEC. 646.9

a) All persons listed in section # 4 and # 5 when they assigned persons to follow and  
 report my activities as on the day I bought my 2 pistols and the day I picked them up.  
 The night of 8-1-91 at the restaurant where Cathy my wife and I had dinner and  
 numerous Doctor appointments.

## 1 9) ACCUSED OF BEING A RAPIST-SEC. 261

- 2 a) Kenneth Nagel P. M.—Called me on the phone and left message “I hear you’re a  
3 rapist. I’ll be calling you”. I have a copy of the tape as evidence of attempted  
4 black mail.

## 5 10) COMMITTING HATE CRIMES. SEC. 422.75

- 6 a) All leaders and persons who plotted and planned criminal acts against me as listed in  
7 section # 1 thru # 5.

## 8 11) AIDING AND ABETTING THE COVER UP OF CRIMES SEC. 182

- 9 a) All leaders and persons who plotted and planned criminal acts against me as listed in  
10 section # 1 thru # 5.

11 12) CONSPIRACY.-A SECRET PLAN OF AN UNLAWFUL ACT. SEC. TITLE 18 1510 OF  
12 THE RICO ACT AND SEC. 182

- 13 a) All leaders and persons who plotted and planned criminal acts against me as listed in  
14 section # 1 thru # 5.

## 15 13) RACKETEERING-A FRAUDULENT SCHEME SEC. TITLE 18 1510

- 16 a) All leaders and persons who plotted and planned criminal acts against me as listed in  
17 section # 1 thru # 5.

## 18 14) OBSTRUCTION OF JUSTICE-TO BLOCK OR IMPEED JUSTICE.SEC. TITLE 18 1510

- 19 a) All leaders and persons who plotted and planned criminal acts against me as listed in  
20 section # 1 thru # 5.

21 15) CORRUPTION- THE CHANGING FROM GOOD TO BAD. SEC. TITLE 18 OF THE RICO  
22 ACT.

- 23 a) All leaders and persons who plotted and planned criminal acts against me as listed in  
24 section # 1 thru # 5

## 25 16) WRITTEN THREAT TO EXTORT SEC. 523

- 26 a) As the officers of the Honorable Masonic Grand Lodge of California are the persons who  
27 run and operate all of the Masonic Lodges in the State of California, they are the leaders who  
28 issue written or verbal orders to those Inspectors under them and other’s to control the  
members. The letter issued to me and to Inspector August “Joe” collier was an attempt to  
extort my silence or “suffer the sum of the Consequences”

## 17) ATTEMPT TO EXTORT. SEC. 524

- a) As the officers of the Honorable Masonic Grand Lodge of California are the persons who  
run and operate all the Masonic Lodges in the State of California, they are the leaders who

1 issue the written or verbal orders to those Inspectors under them and others to control the  
2 members. The Cease and desist order was used by the Masons and Police and stopped me  
3 from filing my charges. The members of the Lodge at the 1 thru 3 degree level proceeded to  
4 verbally rape me with the help of the Santa Clara Police Department on 3-28-93, causing  
5 fear, and humiliated me by laugh me out of the Police Station and refusing my attempt  
6 when I tried to file my criminal charges against the Masonic members.

7 18) Starting on 3-28-93 the Masonic Lodge of Santa Clara and the Santa Clara Police Department  
8 Officers allowed the father of a SCPD officer to act as a Police Officer at the Police Station in the  
9 Warburton complex in Santa Clara, Ca. I ask the Matron for a Sgt. and she said this man can help  
10 you. I was then verbally raped by this person and laughed out of the Police station when I realized I  
11 was set up and not able to get my charges, other than reading 3 of the charges and the person saying  
12 "Not guilty" to each of them and I was not going to get a Sgt. or a Case number and this was a  
13 rejection by the SCPD officers to deny and reject my verbally spoken charges against the Masonic  
14 members. From this point on the Law "criminal acts by the SCPD were committed under the color of  
15 State Law", by the Santa Clara Police Department Sgt. Rees after confiscating my charges on 12-15-  
16 93 and others, who used this method to stop me a second time, when they could not scare me into  
17 stopping with all their power. I filed these charges under Federal Civil Law on 1-9-03. This is  
18 covered by the 10 year statute of Limitations established by the R I C O federal act.

19 19) VERBAL RAPE PER THE 1966 WEBSTER DICTIONARY- An act or instance of robbing or  
20 despoiling and an outrageous violation if a person's honor, not statutory rape. SEC. 261 (Has the  
21 same effect on a persons mind and body as Statutory Rape. Per medical evaluation it takes 1 to 3  
22 years to heal and to overcome the effects of a Real Honorable Man's world crashing around him.)

23 20) FOR PHYSICAL INJURIES AND DEFORMATION OF AND TO MY BODY DUE TO THE  
24 INJECTING OF STEROIDS AND LUPRON TO CHEMICALLY CASTRATE MY BODY TO  
25 CONTROL THE PROSTATE CANCER. The Prostate Cancer Chart lists the changes to my body  
26 when the stress caused by the Masonic Fraternity and the Santa Clara Police Departments attempts to  
27 stop me from filing criminal charges against the Masonic Lodge members and then the criminal  
28 charges against the Santa Clara Police officers for the same criminal acts.

I FOUND OUT ON 9-18-07 FROM THE DOCTORS AT THE VETRANS HOSPITAL IN  
PALO ALTO CA. THAT THE INJECTIONS OF LUPRON ARE CAUSING MY RED AND  
WHITE BLOOD CELLS TO NOT REPRODUCE AND I NOW HAVE ONLY THREE FOURTHS  
OF MY RED CELLS LEFT AND HAVE LOST 25% OF MY RED CELLS IN THE LAST 2  
YEARS. HOW MUCH TIME IS LEFT IS A GUESS.

21] By the Federal Law I will get relief under the Civil Rights Act. Title 28 U. S. C. 1331 and 1343  
and title 42 U. S. C. 1985 A CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS BASED UPON  
THE CONSPIRACY BY THE DEFENDANTS THAT REPEATEDLY VIOLATED PLAINTIFF'S  
CIVIL RIGHTS, AND 42 U. S. C. 1983 OF THE CIVIL RIGHTS ACT and others.



1 22] Also the Statute of Limitations under the RICO ACT is 10 years. My attempt to file the criminal  
2 acts on 3-28-1993 at the Santa Clara Police Department and was rejected, then on 12-15-93 Sgt. Rees  
3 of the Santa Clara Police Dept. when I came to the police station to file the charges again, confiscated  
4 the charges and in the next year made changes of the criminal to Civil and added a statute of  
5 limitations and which was an illegal statute of Limitations since there was no intention of going to  
6 court. To go to court meant the Cops and Masons would go to prison and that was not going to  
7 happen and so on Jan. 3, 2003 which was within the 10 year Statute of limitations and allows me to  
8 prosecute until this court has convicted the defendants under State and Federal laws by the Federal  
9 Government.

10 The Honorable Neal G. Benson and his wife Catherine Rose Manush Benson 9-13-2007  
11 NEAL G. BENSON  DATE 10/30/07  
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United States District Court  
For the Northern District of California